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14 UNITED STATES BANKRUPTCY COURT
15 WESTERN DISTRICT OF WASHINGTON
16 AT SEATTLE
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19 In re

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21 Eagle Harbor Holdings, LLC,
22
23 Debtor.
24
25
26

Case No. 17-10722-CMA

[PROPOSED]
ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC STAY
AND FOR RELATED RELIEF

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29 WHEREAS, the Motion for Relief from the Automatic Stay and for Related Relief,
30 (“*Motion*”) filed by Northwater Intellectual Property Fund L.P. 2 (“*Northwater*”) came on
31
32 regularly for hearing before the undersigned on October 18, 2017; and
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34
35 WHEREAS, the Court having considered the Motion, supporting papers and
36
37 evidence, all oppositions and replies, and having taken judicial notice as appropriate; and
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39 WHEREAS, the Court having found that cause exists for termination of the
40
41 automatic stay of Section 362 for the reasons set forth on the record at the November 3
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43 hearing;
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45 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:
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ORDER GRANTING MOTION FOR RELIEF
FROM STAY – 1

136856682.3

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Seattle, WA 98101-3099
Phone: 206.359.8000
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1 1. The Motion is granted. All objections and oppositions are overruled for the
2 reasons stated on the record.
3

4 2. Subject only to the limitations set forth in this Order, Northwater is hereby
5 granted relief from the automatic stay in order to take such enforcement action as it deems
6 appropriate with respect to the Northwater Collateral, including without limitation conduct
7 of a foreclosure sale in accordance with applicable nonbankruptcy law.
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10 3. As used herein, “*Northwater Collateral*” means the patents and patent
11 applications set forth on Attachment 1 hereto.
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14 4. The MediusTech License (as defined in the Motion) has been rejected as a
15 matter of law. MediusTech is deemed to have elected to treat the MediusTech License as
16 terminated pursuant to Section 365(n)(1)(A). No person, whether MediusTech LLC or any
17 person or entity claiming through MediusTech LLC shall have any right whatsoever to any
18 of the technology included within the Northwater Collateral, other than the Ford License as
19 defined in the Mills Declaration.
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22 5. At any foreclosure sale conducted by Northwater in accordance with this
23 Order, Northwater shall have the right to credit bid up to the full amount of its debt, or
24 \$8,633,733.76 as of October 31, 2017, plus interest thereafter. Such amount does not
25 include attorneys’ fees or other costs recoverable under the Loan Documents.
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28 6. Notwithstanding the relief from stay granted herein, Northwater shall not take
29 any action to collect any deficiency judgment or other amounts owed by the Debtor or by
30 MediusTech absent further order of this Court.
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33 7. There is no just reason for delay in entry or effectiveness of this Order.
34 Notwithstanding Rule 4001(a)(3) or any provision in the Bankruptcy Rules to the contrary,
35 this Order shall be effective immediately and enforceable upon its entry, and Northwater is
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ORDER GRANTING MOTION FOR RELIEF
FROM STAY – 2

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1 not subject to any stay in the implementation, enforcement, or realization of the relief
2 granted in this Order.
3

4 Dated: October __, 2017
5

6
7 Hon. Christopher M. Alston,
8 United States Bankruptcy Judge
9

10 Presented by:
11

12 **PERKINS COIE LLP**
13

14 By: /s/ Alan D. Smith
15

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32 Attorneys for Secured Creditor
33 Northwater Intellectual Property Fund L.P. 2
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ORDER GRANTING MOTION FOR RELIEF
FROM STAY – 3

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ATTACHMENT 1
NORTHWATER COLLATERAL

See attached.

ORDER GRANTING MOTION FOR RELIEF
FROM STAY – 4

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Attachment 1

SCHEDULE A

Serial no.	Patent no.	Title
10/132,886	7,178,049	METHOD FOR MULTI-TASKING MULTIPLE JAVA VIRTUAL MACHINES IN A SECURE ENVIRONMENT
11/616,650	7,793,136	APPLICATION MANAGEMENT SYSTEM WITH CONFIGURABLE SOFTWARE APPLICATIONS
12/851,488	8,020,028	AN APPLICATION MANAGEMENT SYSTEM FOR MOBILE DEVICES
12/859,075	8,006,118	A SYSTEM AND METHOD FOR APPLICATION FAILURE DETECTION
12/859,103	8,006,119	AN APPLICATION MANAGEMENT SYSTEM
12/858,994	8,006,117	METHOD FOR MULTI-TASKING MULTIPLE JAVA VIRTUAL MACHINES IN A SECURE ENVIRONMENT
13/188,856	8,375,243	FAILURE DETERMINATION SYSTEM
13/687,417	-	MESSAGE CONTROL SYSTEM FOR A PORTABLE DEVICE
09/841,915	7,146,260	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
11/462,958	7,778,739	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
12/258,215	8,045,729	AN AUDIO SYSTEM WITH APPLICATION MANAGEMENT SYSTEM FOR OPERATING DIFFERENT TYPES OF AUDIO SOURCES
12/258,234	8,027,268	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
12/483,214	8,958,315	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
12/775,991	8,583,292	SYSTEM AND METHOD FOR RESTRICTING ACCESS TO VEHICLE SOFTWARE SYSTEMS
12/789,313	8,331,279	WIRELESS TELECOMMUNICATIONS METHOD AND APPARATUS
12/880,706	8,630,196	A MULTIPROCESSOR SYSTEM AND METHOD FOR CONDUCTING TRANSACTIONS FROM A VEHICLE
12/880,773	8,165,057	WIRELESS TELECOMMUNICATIONS METHOD
12/979,186	8,346,186	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
12/979,198	8,744,672	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM

13/188,959	8,364,335	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSORS SYSTEM
13/196,654	8,953,816	METHOD AND APPARATUS TO DYNAMICALLY CONFIGURE A VEHICLE AUDIO SYSTEM
13/246,405	9,336,043	METHOD AND APPARATUS FOR A TASK PRIORITY PROCESSING SYSTEM
13/250,799	8,751,712	METHOD AND APPARATUS FOR A PRIORITY BASED PROCESSING SYSTEM
13/253,284	9,697,015	VEHICLE AUDIO APPLICATION MANAGEMENT SYSTEM USING LOGIC CIRCUITRY
13/267,794	8,762,610	PROCESSING METHOD FOR REPRIORITIZING SOFTWARE APPLICATION TASKS
13/427,742	9,652,257	VEHICLE SAFETY SYSTEM
13/429,144	-	HOME AUDIO SYSTEM FOR OPERATING DIFFERENT TYPES OF AUDIO SOURCES
13/430,368	9,348,637	DYNAMIC CONFIGURATION OF A HOME MULTIPROCESSOR SYSTEM
13/431,835	9,645,832	DYNAMIC CONFIGURATION OF A HOME MULTIPROCESSOR SYSTEM
13/433,068	8,386,113	MULTIPROCESSOR SYSTEM FOR MANAGING DEVICES IN A HOME
13/447,793	8,380,383	DISTRIBUTED VEHICLE CONTROL SYSTEM
14/981,616	-	METHOD AND SYSTEM FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
15/140,950	-	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF A MULTIPROCESSOR HEALTH DATA SYSTEM
14/255,435	9,292,334	METHOD AND APPARATUS FOR DYNAMIC CONFIGURATION OF MULTIPROCESSOR SYSTEM
15/131,769	-	DYNAMIC CONFIGURATION OF A MULTIPROCESSOR SYSTEM
09/892,295	6,778,073	METHOD AND APPARATUS FOR MANAGING AUDIO DEVICES
09/841,753	6,629,033	OPEN COMMUNICATION SYSTEM FOR REAL-TIME MULTIPROCESSOR APPLICATIONS